

REMARKS

The Applicant wishes to express appreciation to Examiner Miller for her courtesy during the telephone interview conducted on October 20, 2004. During the interview, the proposed amendments to the claims and the reference "Around the World in 80 Ways" were discussed. The Applicant thanks the Examiner for her candor, and again encourage the Examiner to call the undersigned attorney at (213) 892-5752 to resolve any issues that prevent the application from being in condition for allowance.

Claims 21-36 and 41-48 are pending in the application. Claims 1-20 were previously canceled. Claims 21-48 were rejected under 35 U.S.C. §102(b) as being anticipated by screen captures from a movie entitled "Around the World in 80 Ways" (hereinafter "80 Ways"). Claims 37-40 have been canceled. Claims 21, 41 and 44 have been amended. Reconsideration and reexamination of the application in view of the amendments and the following remarks is respectfully requested.

The present invention is directed to a method for simulating a crowd of real people seated in stadium or auditorium style seating and viewing a particular event in a foreground scene when recording a scene in a visual recording media production. The method uses a plurality of inflatable life-sized humanoid figures that are inflated and placed in the background of the scene to be recorded. Each figure has features that represent a general shape of a portion of a real humanoid. When a large number of inflated humanoid figures are seated in the background scene in close proximity to each other, the figures simulate a crowd of real people viewing the particular event in the foreground scene. The figures may then be visually recorded in a manner that does not capture a clear image of the inflated plurality of inflatable life-sized humanoid figures as compared to the foreground scene.

Claims 21-48 were rejected under 35 U.S.C. §102(b) as being anticipated by screen captures from "80 Ways." Claims 37-40 have been canceled. With the amendments to claims 21, 41 and 44, it is respectfully submitted that the rejection of claims 21-36 and 41-48 has been overcome.

"80 Ways" fails to disclose, teach or suggest "a method for using a plurality of inflatable life-sized humanoid figures for simulating a stadium or auditorium crowd of real people seated in stadium or auditorium style seating . . . for use in a background scene . . . comprising . . . placing said inflated plurality of inflatable life-sized humanoid figures in the stadium or auditorium style seating in said background scene . . . such that said inflated plurality of inflatable life-sized humanoid figures simulates said stadium or auditorium crowd of real people when visually recorded in a manner that does not capture a sharp image of the inflatable humanoid figures as compared to the foreground scene," as recited in amended claim 21.

The figures in "80 Ways" are shown in a bar scene or in the Vatican, but are never used in a stadium or auditorium crowd of real people seated in stadium or auditorium style seating. Moreover, unlike the use of the inflatable figures envisioned by the present invention in background scenes where the figures are blurred, fuzzy, dark or otherwise not captured in clear focus, the figures in "80 Ways" are dummies used to fool the partially sighted man into believing he is vacationing in various locations. This charade is an important part of the storyline, and thus the figures are clearly portrayed as dummies to the viewing audience, not real people. Because the figures in "80 Ways" are central to the scenes in which they appear, the figures appear in the foreground in sharp focus, and thus "80 Ways" actually teaches away from using the inflatable figures in the background and out of focus. In other words, "80 Ways" uses the figures as central characters in the movie, not as movie "extras" as in the present invention.

Because "80 Ways" does not disclose all of the limitations of amended claim 21, it is respectfully submitted that the rejection of claim 21 under 35 U.S.C. §102(b) as being anticipated by "80 Ways" has been overcome. Furthermore, because claims 22-36 depend from claim 21, the rejection of those claims has been overcome for the same reasons provided above with respect to claim 21.

"80 Ways" also fails to disclose, teach or suggest "a method for enabling a simulation of a stadium or auditorium crowd of real people seated in stadium or auditorium style seating . . . for use in a background scene . . . comprising . . . preparing a plurality of inflatable life-sized humanoid figures with features that represent a general shape of a portion of a real humanoid so that the

humanoid figures can be placed in the stadium or auditorium style seating; and . . . visually recorded as part of the background scene in a manner that does not capture a sharp image of the inflatable life-sized humanoid figures as compared to the foreground scene" as recited in amended claim 41.

As mentioned above, the figures in "80 Ways" are shown in a bar scene or in the Vatican, but are never used in a stadium or auditorium crowd of real people seated in stadium or auditorium style seating. Moreover, unlike the use of the inflatable figures envisioned by the present invention in background scenes where the figures only represent a general shape or a portion of a real humanoid and are blurred, fuzzy, dark or otherwise not captured in clear focus, the figures in "80 Ways" are fully-limbed, realistic-looking key dummies used to fool the partially sighted man into believing he is vacationing in various locations. This charade is an important part of the storyline, and thus the figures are clearly portrayed as dummies to the viewing audience, not real people. Because the figures in "80 Ways" are central to the scenes in which they appear, the figures appear in the foreground in sharp focus, and thus "80 Ways" actually teaches away from using the inflatable figures in the background and out of focus. In other words, "80 Ways" uses the figures as central characters in the movie, not as movie "extras" as in the present invention.

Because "80 Ways" does not disclose all of the limitations of amended claim 41, it is respectfully submitted that the rejection of claim 41 under 35 U.S.C. §102(b) as being anticipated by "80 Ways" has been overcome. Furthermore, because claims 42 and 43 depend from claim 41, the rejection of those claims has been overcome for the same reasons provided above with respect to claim 41.

"80 Ways" also fails to disclose, teach or suggest "a method for simulating a stadium or auditorium crowd of real people seated in stadium or auditorium style seating . . . for use in a background scene . . . comprising . . . inflating a plurality of inflatable life-sized humanoid figures having features that represent a general shape of a portion of a real humanoid so that the humanoid figures can be placed in the stadium or auditorium style seating; and . . . visually recorded in a manner that does not capture a sharp image of the inflated plurality of inflatable life-sized humanoid figures as compared to the foreground scene" as recited in amended claim 44.

As mentioned above, the figures in "80 Ways" are shown in a bar scene or in the Vatican, but are never used in a stadium or auditorium crowd of real people seated in stadium or auditorium style seating. Moreover, unlike the use of the inflatable figures envisioned by the present invention in background scenes where the figures only represent a general shape or a portion of a real humanoid and are blurred, fuzzy, dark or otherwise not captured in clear focus, the figures in "80 Ways" are fully-limbed, realistic-looking key dummies used to fool the partially sighted man into believing he is vacationing in various locations. This charade is an important part of the storyline, and thus the figures are clearly portrayed as dummies to the viewing audience, not real people. Because the figures in "80 Ways" are central to the scenes in which they appear, the figures appear in the foreground in sharp focus, and thus "80 Ways" actually teaches away from using the inflatable figures in the background and out of focus. In other words, "80 Ways" uses the figures as central characters in the movie, not as movie "extras" as in the present invention.

Because "80 Ways" does not disclose all of the limitations of amended claim 44, it is respectfully submitted that the rejection of claim 44 under 35 U.S.C. §102(b) as being anticipated by "80 Ways" has been overcome. Furthermore, because claims 45-48 depend from claim 44, the rejection of those claims has been overcome for the same reasons provided above with respect to claim 44.

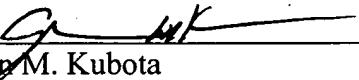
In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

If, for any reason, the Examiner finds the application other than in condition for allowance, Applicant requests that the Examiner contact the undersigned attorney at the Los Angeles telephone number (213) 892-5752 to discuss any steps necessary to place the application in condition for allowance.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 559852000102.

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Respectfully submitted,

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